

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

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DATE:

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SUBJECT: Contamination of Removal Activities at
Calumet Container Site Action Memorandum

FROM: William N. Hedeman, Jr. Director
Office of Emergency and Remedial Response (WH-548)

TO: Rita M. Lavelle
Assistant Administrator

Issue

Planned removal actions at the Calumet Container site, Hammond, Indiana, cannot be undertaken unless exemption from the six-month limit set forth in Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) for this site is granted.

Background

Section 104(c) of CERCLA limits Federal emergency response to six months in duration unless three criteria are met: 1) continued response actions are immediately required to prevent, limit, or mitigate an emergency; 2) there is an immediate risk to public health or welfare or the environment; and 3) such assistance will not otherwise be provided on a timely basis.

Discussion

The U.S. Environmental Protection Agency (USEPA) initiated immediate removal action at this site in May 1982, in response to a facility destroying fire which created hazardous conditions; posing an imminent threat to public health and the environment. The action removed and disposed offsite approximately 5,500 gallons of liquid wastes and 30 cubic yards of solid waste. Expenditures totaled \$11,057.55. This action was completed on May 21, 1982. Subsequent to this action, approximately 18 tons of liquid and solid waste remained in storage in various drums, pails, containers and bulk storage tanks which have been found to be leaking.

It has taken USEPA Region V approximately three months from the termination of the immediate removal action to receive a written assurance for a 10% match for the estimated costs associated with the proposed planned removal action. This assurance was made by the Mayor of Hammond, Indiana, via letter to Valdas V. Adamkus, Regional Administrator, Region V, on August 20, 1982. Several issues emerged from this assurance: the source or sources of monies for this assurance; and National Contingency Plan (NCP) Section 300.67(b) requirements regarding contractual representation for the 10% match. The former issue involved the City's use of Federal community block grant funds

while the latter concerns the contractual involvement of the City of Hammond, Indiana and Illinois as principal parties in the proposed action. USEPA Office of General Counsel has concurred on the use of such funds and recommended that the contracting principals work out the necessary arrangements which would allow Indiana to make the 10% assurance to USEPA. The exact contractual arrangements for compliance with the NCP have yet to be resolved. It is USEPA Region V understanding that the Indiana State Board of Health is pursuing such arrangements with the City of Hammond.

Due to the above situations, a time extension must be granted in order for the planned removal funding request package to be finalized and allow sufficient time for the implementation of the requested action.

The manner in which the Calumet Container site meets the prescribed criteria for a six-month time limit is summarized as follows:

1. Continued response actions are immediately required to mitigate an emergency. Approximately 18 tons of waste are contained in various drums, pails and containers and several bulk storage tanks onsite. Those wastes in containers are being stored among 69 truck trailers. Conditions in these trailers and containers are such that wastes have been found to be leaking. Aromatic hydrocarbons, xylene, adhesives, paint wastes which may contain metals, and/or flammable liquids/solids, and waste oil are suspected components. Site conditions are not stable in terms of waste storage and will continue to deteriorate. Contaminated surface water leaving the site as runoff will adversely impact adjacent recreational and residential areas.
2. There is an immediate risk to public health and the environment. The site is located in an urban-industrial area of the City of Hammond, Indiana. Greater than four thousand people are estimated to live within a one-quarter mile radius of the site and greater than 16,000 people live within a one mile radius. At the Powderhorn Lake recreational fishing area is within 300 feet of the site. Nine signs at periphery of site restricting access, posted by the City of Hammond, have not prevented unauthorized access to site. The City of Hammond Fire Department Chief has stated that the facility continues to present a fire hazard.
3. Such assistance will not otherwise be provided on a timely basis. Various State and Federal enforcement efforts against the owner/operator have not been successful. The scope of these unsuccessful actions have been for preventing contaminated groundwater and surface water from leaving the site and entering Illinois; a site cleanup within 30 days ordered by Indiana in 1980; a demolition order by the City of Hammond for site demolition by owner; a Federal Clean Air Act complaint to which the owner/operator never responded which led to a filing by the U.S. Attorney for a default judgment; and failure by the owner/operator to respond to a RCRA 3007/CERCAL 104 Information Request.

Recommendation

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I recommend that you approve the proposal to provide an exemption for the Calumet Container site from the six month limit. You may indicate your approval of this recommendation by signing below. I would appreciate rapid consideration of this proposal.

Approve: _____

Disapprove: _____

Date: _____